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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,806	09/08/2003	Hisakazu Okajima	815_011	1123
25191	7590	03/08/2006	EXAMINER	
BURR & BROWN			PAIK, SANG YEOP	
PO BOX 7068			ART UNIT	PAPER NUMBER
SYRACUSE, NY 13261-7068			3742	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/657,806

Applicant(s)

OKAJIMA, HISAKAZU

Examiner

Sang Y. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 15, 16, 17, 19 and 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Kano et al (US 6,242,719).

Kano shows a heater having a plate with a heater element forming a continuous wiring pattern with a plurality of flexures wherein the area between immediately radially adjacent flexure expands or varies between the flexures as the flexures circumvent along the terminal 5, and the flexures are shown with the swollen portion which protrude toward the terminal with the rounded corners shown at the inner bending part of the swollen portion . Also see attached Exhibit A.

3. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Fure et al (US 6,753,507).

Fure shows a ceramic heater with a hole formed therein, a resistance heater element having a continuous wiring patter including a plurality of flexures connecting a plurality of radially sequentially concentric arc portions, a plurality of curved avoidance portions having a

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radius of curvature that sequentially increases as the respective distance between the curved portion and the hole (64) increases (see Figure 3). Also see attached Exhibit B.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 5, 8, 9, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fure et al (US 6,753,507) in view of Mizuno et al (US 5,766,363).

Fure shows the heater structure claimed including a ceramic plate made of aluminum nitride ceramics, a heater element having a continuous wiring pattern having a plurality of concentrically disposed elements further having a plurality of flexures with a plurality of folding parts. However, Fure does not show the folding parts with rounded corners with the greater first distance.

Mizuno shows a heating pattern including a plurality of flexures with a folding part with a linear connection part and the rounded corners at the inner bending portion to protrude outwardly where the distance between the radially adjacent wirings between the folding parts gradually becomes wider in the second region than in the first region where the distance between the wiring patterns remains substantially constant.

In view of Mizuno, it would have been obvious to one of ordinary skill in the art to adapt Fure with the claimed second distance between the radially adjacent wirings in the second region to further provide a uniform heating distribution along the heating surface.

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6. Claims 6, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fure in view of Mizuno as applied to claims 2, 4, 5, 8, 9, 11, 13 and 14 above, and further in view of Yoshida et al (US 6,080,970).

Fure in view of Mizuno shows the heater structure claimed except providing the terminals in the center of the plate.

Yoshida shows a ceramic heater where the terminals of the heating element in the center of the plate, and Yoshida further shows that the heater element embedded in the ceramic plate. In view of Yoshida, it would have been obvious to one of ordinary skill in the art to adapt Fure, as modified by Mizuno, with the terminals provided in the center of the plate as an alternative arrangement to more conveniently provide the electrical terminal connections, and further adapt with embedded heater element in the aluminum nitride ceramic plate that can also provide a uniform heating distribution that can withstand a high temperature and corrosion.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kano et al (US 6,242,719) in view of Yoshida et al (US 6,080,970).

Kano shows the heater structure claimed except the heater element being embedded in the ceramic plate.

Yoshida shows a ceramic heater with a heating element embedded therein. In view of Yoshida, it would have been obvious to one of ordinary skill in the art to adapt Kano with the heating element embedded in the ceramic plate as an alternative arrangement that can also provide a good uniform heat distribution as well as to further protect the heating element from corrosion.

***Allowable Subject Matter***

8. The indicated allowability of claim 4 in the last office action mailed on 8/17/05 is now withdrawn in further review of the reference(s) to Fure and Mizuno as applied the 103 rejections as stated above.

***Response to Arguments***

9. Applicant's arguments filed 12/15/05 have been fully considered but they are not persuasive.

With respect to Kano, the applicant argues the area between the adjacent flextures remains constant. This is not deemed persuasive. Please see the attached Exhibit A where the area between the flextures expands along the terminal's circumference with rounded corners.

With respect to the folding parts, the Mizuno reference is applied where the folding parts include the linear straight connection with a rounded corner at the inner bending portion of the folding part.

With respect to Fure, please see the attached Exhibit B for the curved avoidance indicated therein where the radius of the outer avoidance is larger than the inner avoidance curve.

Thus, the applicant's arguments are not deemed persuasive.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp

# EXHIBIT A

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US 6,242,719 B1

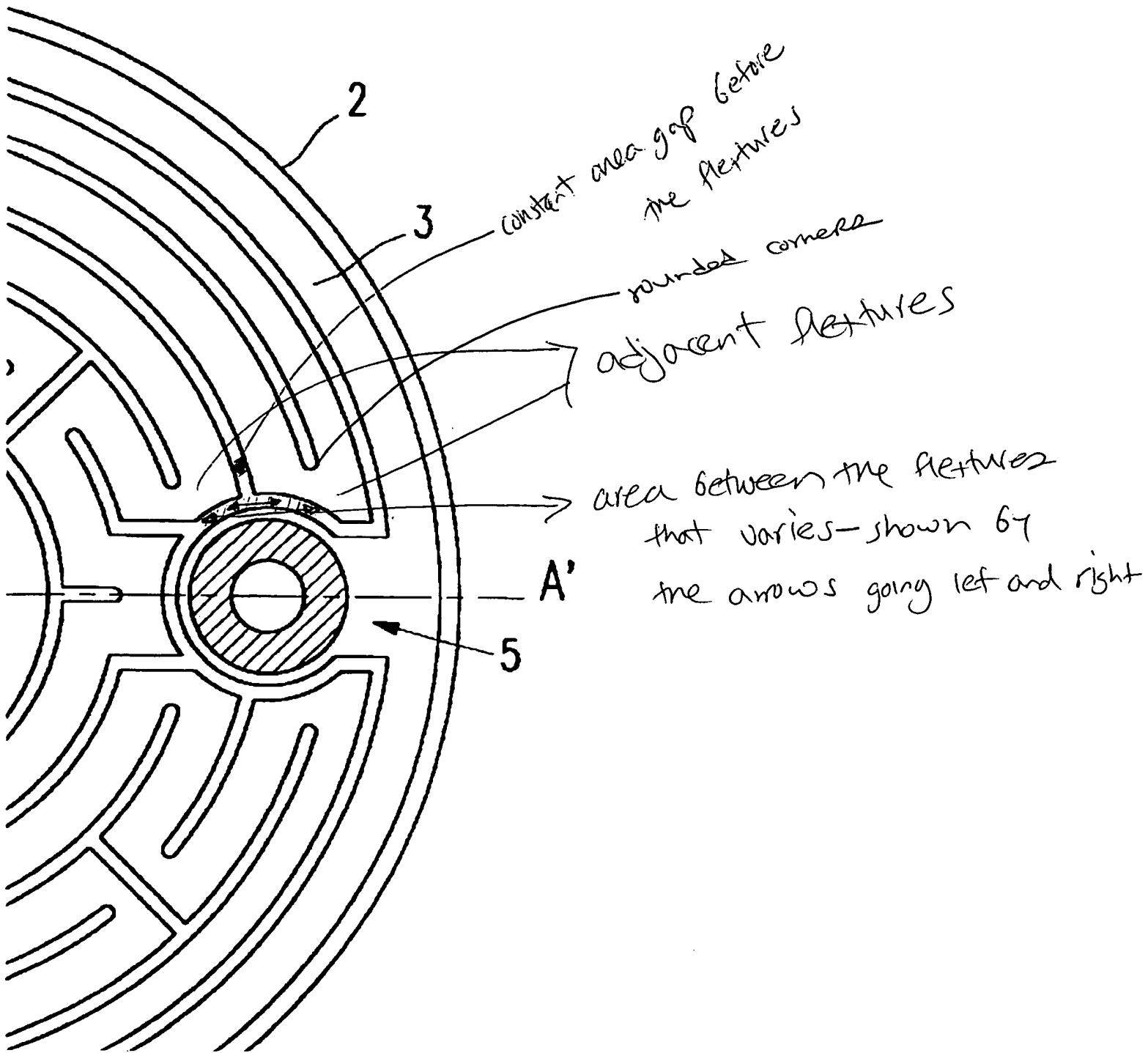
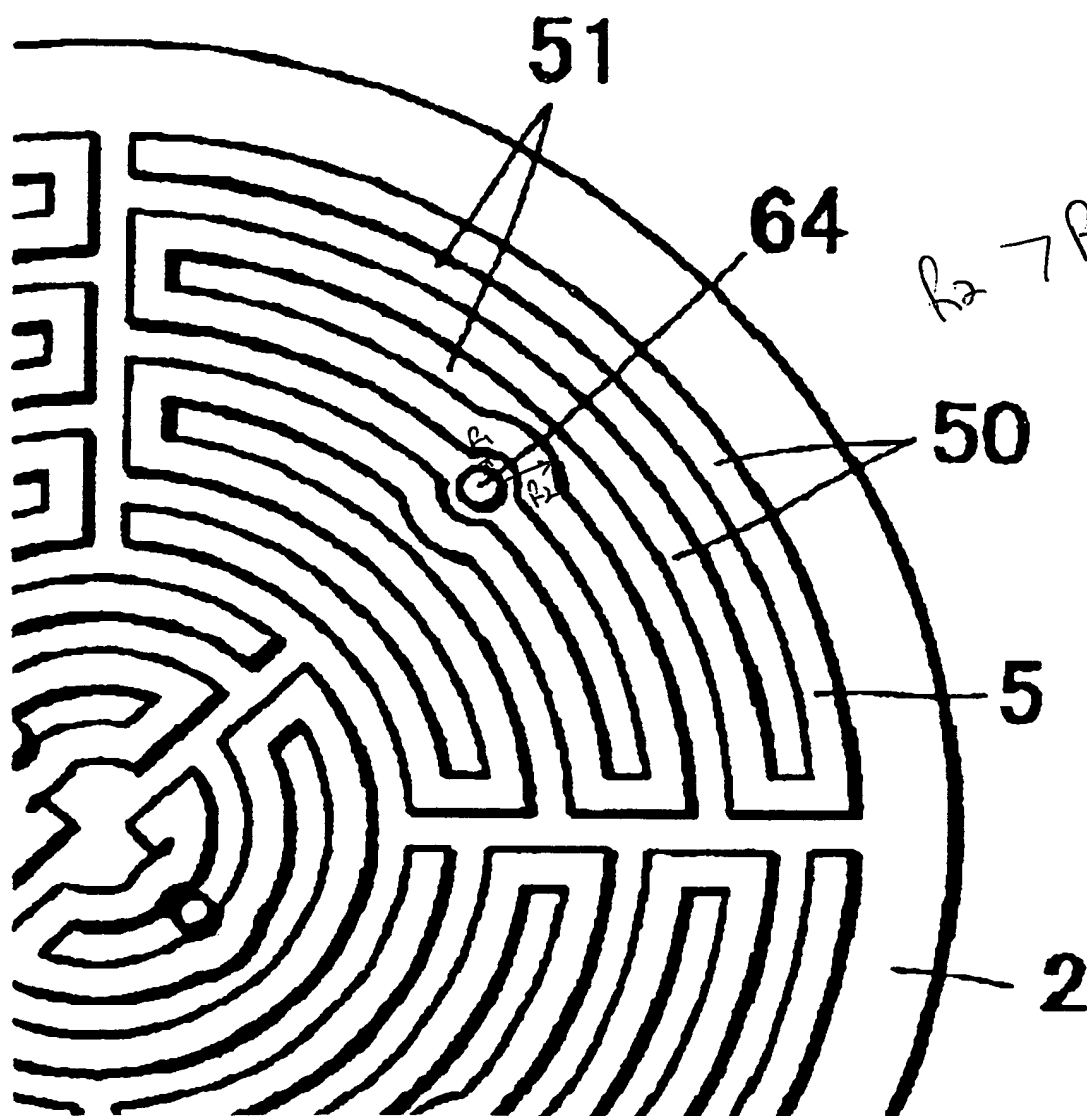




EXHIBIT B

Sheet 2 of 9

US 6,753,507 B2



$R_2$  >  $R_1$  of the  
curved avoidance  
portion